

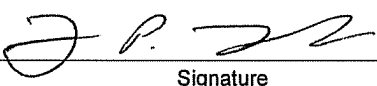
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) KOY-0026	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR on _____ Signature _____ Typed or printed name _____	Application Number 10/731,287	Filed 12/09/2003	
	First Named Inventor Takeshi Yokoyama		
	Art Unit 2853	Examiner Ly T. Tran	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number 44,867 <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		 Signature Daniel P. Lent Typed or printed name (860) 286-2929 Telephone number October 11, 2007 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.:	10/731,287	:	Confirmation No.:	4955
Applicant:	Takeshi Yokoyama et al.	:	Group Art Unit:	2853
Filed:	December 9, 2003	:	Examiner:	Tran, Ly T.
Docket No.:	KOY-0026	:		

For: INK JET PRINTER

October 11, 2007

VIA EFS
Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed concurrently with a Notice of Appeal. This review is requested for the reason(s) stated on the attached sheet(s), which do not exceed more than five (5) pages.

REASONS

I. Background.

First, Applicants respectfully note that they have made diligent efforts to expedite prosecution, **including previously filing an RCE**, and have also cooperated with the highest level of decorum and courtesy. Accordingly, this appeal is not frivolous and is respectfully asserted to be warranted by errors in the rejections of record.

On January 29, 2007, the USPTO respectfully issued a non-final Office Action. In this Office Action, the USPTO respectfully noted that none of the cited references taught that the quantity/intensity/wavelength of the UV device which is arranged on the most downstream side in the feeding direction of the recording medium, in the plurality of pairs, is set to be larger than the other UV device, as claimed in claims 1, 8, and 15 (see pages 2-4 of the Office Action dated January 29, 2007). To overcome this deficiency in the cited references, the USPTO respectfully alleged on page 4 of the Office Action that this limitation "would have been obvious . . . since it

has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum ranges involves only routine skill in the art.”

In response, Applicants filed a Request for Reconsideration on April 30, 2007, respectfully noting in relevant part that the limitations of claims 1, 8, and 15 were not merely an optimized range, as alleged by the USPTO. Instead, **claims 1, 8, and 15 claim a very specific structural relationship between UV irradiating devices, and thus this structural limitation is more than merely an optimized range** (see, for example, page 3, lines 12-20 of the response filed April 30, 2007; this structural relationship is explained in more detail below in part II).

On July 11, 2007, the USPTO issued a Final Office Action. On page 5 of the Office Action dated July 11, 2007, the USPTO respectfully address part of the Applicants arguments from the response filed April 30, 2007. However, it is respectfully noted that **the USPTO did not at all address Applicants argument that the limitations of claims 1, 8, and 15 were more than merely an optimized range.** It is also respectfully asserted that the Final Office Action of July 11, 2007 is incomplete because **the text of the Final Office Action only addresses claims 1-10, and makes no mention whatsoever of pending claims 11-20.**

In summary, Applicants respectfully assert that the reasons set forth in the Office Action of January 29, 2007 were in error, and these errors have been pointed out but were not fully responded to by the Examiner in the Final Office Action. Thus the claims should respectfully be allowed over the cited references.

II. Discussion of errors in the Final Office Action.

Claims 1, 8, and 15 are the remaining pending independent claims. As noted on page 3 of the Final Office Action, claims 1 and 8 are rejected under 35 U.S.C. § 103(a) as obvious over Young (US 6,561,640). It is respectfully noted that **the Final Office Action does not give a rejection of independent claim 15 at all.** Regarding these rejections, Applicants respectfully explain two important points in detail below: first, the USPTO repeatedly notes that the cited references do not teach or suggest one of the specifically claimed limitations of independent claims 1, 8, and 15, and second, these specifically claimed limitations are more than merely optimized ranges and thus the claims should be allowable over the cited references.

A. The cited references do not teach or suggest that the quantity, intensity, or wavelength of ultraviolet rays emitted from the ultraviolet ray source arranged on the most downstream side in the feeding direction of the recording medium is set to be larger than the quantity, intensity, or wavelength emitted from the other ultraviolet ray irradiating devices, as claimed in claims 1, 8, and 15.

For the issue under consideration, claim 1 claims in relevant part:

“wherein a **quantity** of the ultraviolet ray emitted from the ultraviolet ray source **arranged on the most downstream side** in the feeding direction of the recording medium, in the plurality of pairs, **is set to be larger** than that of the ultraviolet rays emitted from the ultraviolet ray source or the ultraviolet ray sources of the other ultraviolet ray irradiating device or each of the other ultraviolet ray irradiating devices.” (emphasis added)

Claims 8 and 15 claim similar limitations, replacing quantity with intensity and wavelength, respectively.

Throughout the examination of this Application, the Examiner has respectfully admitted that the cited references do not teach or suggest the specifically claimed limitation quoted above (see pages 2-4 of the Office Action dated January 29, 2007, and page 3 of the Final Office Action dated July 11, 2007). However, the Examiner has respectfully persisted in insisting that the claimed limitation quoted above would have been obvious because discovering the optimum range involves only routine skill in the art (see page 3 of the Final Office Action and page 4 of the Office Action dated January 19, 2007). However, this reasoning erroneously assumes that the limitation quoted above is merely an optimized range. Instead, it is respectfully clear from the language of the claims that the limitation quoted above is a specific structural limitation relating UV irradiating devices, and thus is not merely an optimized range. Therefore the Examiner’s reasoning is respectfully incorrect.

First, it is respectfully noted that the claimed limitations of claims 1, 8, and 15 do not even claim a “range” per se, as is respectfully alleged. For example, claims 1, 8, and 15 do not claim a range of numbers for the ultraviolet rays. Instead, claims 1, 8, and 15 claim that a particular ultraviolet ray source of the device is structured to emit a higher quantity, intensity, or wavelength of ultraviolet rays than other ultraviolet ray sources of the device.

Specifically, the limitation quoted above claims a specific structural relationship between the UV ray source “arranged on the most downstream side” (i.e., UV ray sources to the left in present Figure 2A) and the UV ray sources of the other UV irradiating devices. In other words, a

UV ray source is structured to emit rays in a certain way as compared to other UV ray sources.

This is respectfully more than simply optimizing a range for a particular ray source; instead, the configuration of a particular ray source must be structured in the specifically claimed way in relation to other ray sources. Thus, ordinary experimentation adjusting a range would not result in the specifically claimed structural relationship between the UV ray source “arranged on the most downstream side” and the other UV ray sources, as claimed in claims 1, 8, and 15.

For example, present Figure 2A illustrates one possible embodiment of the claimed structure quoted above. As seen in present Figure 2, an image recording section 2 can comprise four pairs, with each pair comprising a recording head 8 and a UV irradiating device 10 located downstream from the recording head. According to present Figure 2, the recording medium feeding direction is X, **so the most downstream UV irradiating device is the furthest left device**, i.e. the one paired with the recording head marked Y.

As explained on pages 18-19 of the present specification, **the most downstream irradiating device 11** is configured to emit a **larger quantity of UV rays than the other irradiating devices**. This is done, for example, by **increasing the number of UV ray sources 11 in the most downstream irradiating device**, as explained on page 19 of the present specification. Regarding claims 8 and 15, the most downstream irradiating source would be appropriately structured so as to emit a rays at a larger intensity or a longer wavelength than the other sources (for example, see page 28, line 1 through page 29, line 9 of the present specification).

In contrast, **there is no indication in Young that the most downstream UV light emitting device subsystem, such as subsystem 150 in Figure 2 of Young, contains more UV ray sources or otherwise emits a larger quantity of UV rays than the other subsystem 140.** The Examiner respectfully alleges on page 5 of the Final Office Action that Young teaches selecting a wavelength, but the mere selection of a wavelength does not teach the specifically claimed limitation of claims 1, 8, and 15 wherein the most downstream UV light emitting device has a particular quantity, intensity, or wavelength relative to the other UV light emitting devices.

Thus, it is respectfully asserted that the cited references of record, taken either alone or in combination, do not teach or suggest all the claimed limitations of claims 1, 8, and 15.

Therefore, it is respectfully asserted that claims 1, 8, and 15 are not obvious over the cited references.

B. The Final Office Action is respectfully incomplete.

As noted above, claims 1-20 are currently pending in the present application. However, on pages 2-4 of the Office Action, **the Examiner only addresses claims 1-10, and ignores claims 11-20.** Furthermore, the Examiner did not address Applicants argument that the specifically claimed limitation quoted above is more than merely an optimized range.

C. The dependent claims.

As noted above, it is respectfully asserted that independent claims 1, 8, and 15 are allowable, and therefore it is further respectfully asserted that dependent claims 2-7, 9-14, and 16-20 are also allowable.

III. Conclusion.

For the above reasons, Applicants respectfully assert that all pending claims are allowable, and the reasons for rejection in the Final Office Action were clearly erroneous.

The Commissioner is hereby authorized to charge any additional fees that may be required for this submission, or credit any overpayment, to Deposit Account No. 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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